

Message Text

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FM AMEMBASSY ANKARA

TO SECSTATE WASHDC 7827

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EO 11652 GDS

TAGS: PINS, TU, XX

SUBJECT: TURKISH LAW AND POLICY CONCERNING INTERNATIONAL TERRORISM

REF: A) STATE A-7676 B) ANKARA 926 C) ANKARA A-18

1. TEXTS OF TURKISH LAWS AND MATERIALS ON POLICY REGARDING INTERNATIONAL TERRORISM ARE BEING SUBMITTED TO DEPARTMENT AS FOLLOWS (REFERENCES ARE TO STATE A-7676):

A. MATERIALS REQUESTED IN PARAS 2A, D, E, R: POUCHED WITH ANKARA A-18.

B. MATERIALS REQUESTED IN PARA 2B: TO BE POUCHED AS SOON AS AVAILABLE.

C. MATERIALS REQUESTED IN PARA 2C: NOT AVAILABLE.

2. EMBASSY EVALUATION OF GOT APPROACH AND ATTITUDE TOWARD INTERNATIONAL TERRORISM (PARA 2E REPAIR) FOLLOWS:

A. TURKEY HAS NO SPECIAL LAW OR LAWS DEALING WITH INTERNATIONAL TERRORISM, AS DEFINED BY THE REFERENCED AIRGRAM. TERRORISM HERE IS GENERALLY REGARDED AS THE USE OF VIOLENCE FOR A POLITICAL PURPOSE; AS SUCH, IT IS DEALT WITH UNDER PROVISIONS OF ORDINARY CRIMINAL LAW. THE MOST IMPORTANT STATUTES DEALING WITH ACTS OF A TERRORIST NATURE ARE: THE TURKISH PENAL CODE, THE FIRE ARMS LAW (NO. 6136), THE LAW OF ASSOCIATIONS, AND THE LAW CONCERNING THE ORGANIZATION OF TRIAL PROCEDURES OF THE STATE SECURITY COURTS. THE
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MOST APPLICABLE PROVISIONS OF THE PENAL CODE ARE: ARTICLES 448-472, DEALING WITH PROVISIONS AND PENALTIES FOR MURDER

AND ASSAULT; ARTICLES 499-500 DEALING WITH KIDNAPPING; AND ARTICLES 370-372 DEALING WITH ACTS OF ARSON AGAINST PUBLIC BUILDINGS.

B. THE GOT HAS BEEN PRINCIPALLY CONCERNED WITH THE INTERNAL SECURITY ASPECT OF TERRORISM AS A RESULT OF WIDE-SPREAD TERRORIST AND URBAN GUERRILLA ACTIVITIES IN TURKEY DURING 1970-72. THESE INCIDENTS, WHICH HELPED CAUSE A MILITARY INTERVENTION AGAINST THE DEMIREL GOVERNMENT IN MARCH, 1971, INCLUDED NUMEROUS BOMBING ATTACKS ON AMERICAN INSTALLATIONS AS WELL AS INCIDENTS OF ARSON, BANK ROBBERY, HIJACKING AND THE KIDNAP-MURDERS OF THE ISRAELI CONSUL GENERAL IN MAY, 1971 AND OF THREE NATO TECHNICIANS IN APRIL 1972. THE TURKISH GOVERNMENT PROGRAM AGAINST THIS WAVE OF TERRORISM INCLUDED THE DECLARATION OF MARTIAL LAW IN ELEVEN PROVINCES IN APRIL 1971 AND THE ESTABLISHMENT OF A SYSTEM OF STATE SECURITY COURTS IN 1973. THE GOT POLICY OF VIGOROUS PROSECUTION AND EXECUTION OF ARRESTED TERRORISTS SUCCEEDED IN VIRTUALLY ELIMINATING TERRORIST ACTIVITIES.

C. TURKEY'S ATTITUDE TOWARD INTERNATIONAL TERRORISM HAS BEEN SHAPED BY ITS DOMESTIC EXPERIENCES AND HAS BEEN GENERALLY ONE OF COOPERATION WITH AMERICAN EFFORTS. THE GOT HAS REFUSED TO ACCEDE TO RAMSON DEMANDS FOR RELEASE OF CAPTURED TERRORISTS, MOST NOTABLY IN THE CASES OF THE KIDNAPPED ISRAELI CONSUL GENERAL AND IN THE TWO HIJACKINGS OF TURKISH AIR LINE PLANES IN 1972. THE GOT CONVICTED AND IMPRISONED TWO LITHUANIANS INVOLVED IN THE 1970 HIJACKING OF A RUSSIAN PLANE TO TURKEY. (THE TWO WERE LATER RELEASED AS A RESULT OF A GENERAL AMNESTY IN 1974.) GOT SECURITY OFFICIALS COOPERATED CLOSELY WITH AMERICAN OFFICIALS DURING THE PERIOD OF ATTACKS ON AMERICAN PERSONNEL AND INSTALLATIONS.

D. THE GOT CONTINUES TO BE ALERT TO THE INTERNATIONAL ASPECTS OF TERRORISM, IN PART BECAUSE OF THE CONTINUED LINKAGE BETWEEN TURKISH NATIONALS AND ARAB TERRORIST ORGANIZATIONS. MARTIAL LAW WAS ENDED IN SEPTEMBER 1973, BUT REINSTATED LAST JULY -- DUE TO THE CYPRUS CRISIS -- IN FOUR PROVINCES AND CONTINUES ON A MONTH-TO-MONTH BASIS WITH PARLIAMENTARY APPROVAL. MANY INDIVIDUALS WHO WERE IMPRISONED DURING THE MARTIAL LAW PERIOD WERE FREED
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IN 1974 FOLLOWING A GENERAL AMNESTY. AS A RESULT, LAW ENFORCEMENT AUTHORITIES ARE CONCERNED ABOUT THE POTENTIAL FOR THE REEMERGENCE OF DOMESTIC TERRORISM.

E. OTHER REFERENCES ON TURKISH PRACTICE AND POLICY VIS A VIS TERRORISM ARE (1) A WHITE PAPER PUBLISHED BY THE GOT IN 1973, AVAILABLE ONLY IN TURKISH, WHICH WAS POUCHED WITH ANKARA A-18, AND (2) A DOCUMENT ENTITLED ANTI AMERICANISM: THE URBAN GUERRILLA MOVEMENT IN TURKEY, WHICH WAS PUBLISHED BY THE US AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS IN

DECEMBER, 1972.

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